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16 Attorneys for Plaintiffs GILBERT SAUCILLO, et al.

17 **IN THE UNITED STATES DISTRICT COURT**  
18 **CENTRAL DISTRICT OF CALIFORNIA**

19 **CASE NO. 5:10-CV-00809-VAP (OPx)**  
(Related to Case No. EDCV 12-00692-VAP-OPx)  
20 JOHN BURNELL, JACK POLLOCK,  
and all others similarly situated,  
21 Plaintiffs,  
22 Plaintiffs,  
23 v.  
24 SWIFT TRANSPORTATION CO. OF  
ARIZONA, LLC,  
25 Defendant.  
26 Complaint Filed: March 22, 2010  
27 Trial Date: None Set  
28

1       I, Gilbert Saucillo, hereby declare and state:

2       1.   I am an individual over the age of eighteen. I am a named plaintiff in this  
3 lawsuit. I have personal knowledge of the matters stated herein and, if called upon, I could  
4 and would competently testify thereto.

5       2.   I began working as a driver for Defendant Swift Transportation Company of  
6 Arizona, LLC ('Swift') in April of 2006, earning mileage based pay for my work during  
7 most the time I worked for Swift. I lived in California during the entire time I worked for  
8 Swift. I joined this lawsuit as a named plaintiff in 2013 after contacting attorneys at  
9 Marlin & Saltzman because I was concerned about being underpaid.

10      3.   I have been an active participant in this case and have assisted in the  
11 investigation of this case by providing responses to interrogatories and document requests.  
12 I provided documents to my attorneys on an on-going basis throughout the case. During  
13 the course of the case, I conferred numerous times with my attorneys and their paralegal to  
14 review facts relevant to the case, and to timely complete all discovery requests that were  
15 served upon me throughout the litigation.

16      4.   I had my deposition taken twice, once on December 12, 2015 and again on  
17 February 10, 2016. Each time, I met beforehand with Mr. Saltzman, one of my attorneys  
18 from Marlin & Saltzman, in order to prepare for my deposition. Due to the distance, I  
19 stayed in a Los Angeles hotel the night before each deposition. I estimate I spent at least  
20 45 hours travelling to and attending my depositions.

21      5.   In January 2016, I assisted my lawyers in preparing the Motion for Class  
22 Certification by providing a Declaration in Support of Plaintiffs' Motion, and by helping  
23 to get declarations from other drivers to support the Motion for Class Certification.

24      6.   As preparations were made to conduct mediation, I made myself available for  
25 mediation by phone.

26      7.   Throughout the litigation, I have always had the best interests of the entire  
27 group of drivers (the class) in mind and I have worked hard on their behalf. This lawsuit  
28

1 took longer than I expected, as my attorneys have explained to me that many complex and  
2 new issues in the case had to be resolved by the Court. I have remained in regular contact  
3 with Plaintiffs' counsel at Marlin & Saltzman throughout the case, and recognize Mr.  
4 Saltzman's cell phone number whenever he calls. I also spoke often with their senior  
5 paralegal Susan Joseph.

6 8. Throughout the case, I spent many hours on the telephone, in person, and/or  
7 by correspondence, discussing case developments, and providing insight into Swift's  
8 operations, policies, practices and procedures. There were more conversations than I  
9 could count over the many years. I estimate I spent at least 85 hours total on this matter.

10 9. I believe I provided considerable time and effort on behalf of thousands of  
11 class member drivers who stand to benefit from the Settlement Agreement. I willingly  
12 agreed to participate in this case with no guarantee of personal benefit. By filing this  
13 lawsuit, I understood that I could be exposing myself to the risk of retaliation or trouble  
14 finding employment as a result of my role in this Action. Given the internet, it is quite  
15 likely that any future employer will find out simply by "googling" my name that I acted as  
16 a class representative in this action against a prior employer. I have also signed a general  
17 release of all claims against Swift. I believe that the time, effort, and information I  
18 provided to Class Counsel helped to make this Settlement possible.

19 10. I support this Settlement and request that the Court approve the requested  
20 incentive award.

21 I declare under penalty of perjury under the laws of the United States of America  
22 that the foregoing is true and correct.  
23 Executed this 18th day of November 2019 at \_\_\_\_\_

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26 GILBERT SAUCILLO  
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